IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE C.V.RAMULU**

**WRIT PETITION NO : 5563 of 1998**

Between:

Anantapur District Cooperative Societies Secretaries &Employees Union, Rep.,by its Secretary, K.R.Ramakrishna,S/o.Rama Subbaya
General Secretary, LIG. II-13, H.B.Colony, Anantapur
Anantapur District.

**..... PETITIONER**

AND

1. The Govt. of Andhra Pradesh, rep.,by its Secretary, Department of Cooperation,

Secretariat Buildings, Hyderabad.

2 The Commissioner for Cooperation & Registrar of Cooperative Societies,

Andhra Pradesh, Nampally, Hyderabad.

3 The General Manager, District Coop.Central Bank, Anantapur, Anantapur

District.

4 V.Prabhu Ram, S/o. Ramgopal,

Anantapur District Coop. Central Bank,
Dharmavaram, Anantapur District.

5 I.Narayana Reddy, S/o. Chinna Bayapa Reddy,

Anantapur District Coop. Central Bank,
Dharmavaram, Anantapur District.

6 B.Ananthalakshmi, D/o. B.R.Sreeramudu,
Anantapur District Coop. Central Bank,

Anantapur District.

7 T.Sreeramulu, S/o. Nallappa,
Anantapur District Coop. Central Bank,

1st Road, Anantapur District.

8 B.Raja Reddy, S/o. Venkata Reddy,

Anantapur District Coop. Central Bank,

1st Road, Anantapur District.
9 P.Ravindra Nath Reddy, S/o. Sreerami Reddy,
Anantapur District Coop. Central Bank, Pamidi Branch,

Pamidi Mdl, Anantapur District.
10 B.Jholiramma, W/o. Venkatappa,
Anantapur District Coop. Central Bank,

1st Road, Anantapur District.
11 G.Ramudu, S/o. Durgamappa,
Anantapur District Coop. Central Bank,

Subash Road, Anantapur District.
12 S.L.V.Gupta, S/o. Narasaiah,
Anantapur District Coop. Central Bank,

Tadipatri, Anantapur District.
13 D.David,
Anantapur District Coop. Central Bank,

Tadipatri, Anantapur District.
14 N.Ramachandra, S/o. Lakshmi Reddy,
Anantapur District Coop. Central Bank,

Puttaparthy, Anantapur District.
15 S.Jhippaswamy, S/o. Marappa,
Anantapur District Coop. Central Bank,

Anantapur District.
16 K.Nayeer Ahmed, S/o. Hussain Sah,

Anantapur District Coop. Central Bank,
Uravakonda, Anantapur District.
17 B.Steevan Kumar, S/o. Andrews,
Anantapur District Coop. Central Bank,

Anantapur, Anantapur District.
18 Sreenivasulu Naidu, S/o. Subbaiah,
Anantapur District Coop. Central Bank,

Anantapur, Anantapur District.
19 B.Tanshiram,
Anantapur District Coop. Central Bank,

Hindupur, Anantapur District.
20 N.Sahebkhan,
Anantapur District Coop. Central Bank,

Kadiri, Anantapur District.
21 Andhra Pradesh Coop. Central Bank Association rep., by its Secretary,

C.V.Anjanaiah, Guntakal Branch,Guntakal,
District Cooperative Central Bank, Anantapur District.

RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ of Certiorari quashing the resolution item No.18 of the 3rd respondent Bank dated 29.01.1997 passed by the Board of Management of the Bank and consequently set aside the appointments of the respondents 4 to 20 by declaring as illegal, arbitrary and violative of Article 14 of G.O.Ms.No.1271 dated 08.08.1986 and the judgment rendered by a Division Bench passed in W.P.No.11060 of 1988 dated 23.10.1992 and consequently direct the official respondents particularly the respondent No.3 to appoint the members of the petitioner society in the post of Clerks/Supervisors category-V posts by following 9:1 ratio and pass such other orders.

Counsel for the petitioner: Mr. A.Satya Prasad

Counsel for respondents 1 to 3: G.P. for Cooperation

Counsel for respondents 4 to 21:Mr.O.Manohar Reddy.

The Court made the following Oral Order:

This writ petition is filed in the representative capacity by the Anantapur District Cooperative Societies Secretaries and Employees Union, Anantapur, represented by its Secretary, seeking a Writ of Certiorari to quash the Resolution Item No.18 of the 3rd respondent bank, dated 29.1.1997 and consequently to set aside the appointment of respondents 4 to 20 by declaring the same as arbitrary, illegal and violative of Article 14 of the Constitution of India and further direct respondent No.3 to appoint the members of the petitioner society in the posts of Clerks/Supervisors, Category V, by following 9:1 ratio.

According to the petitioner, its members are entitled for being promoted to the respective cadres as per G.O. Ms. No. 1271, dated 8.8.1986 and also as per the judgment of a Division Bench of this court in Writ Petition No. 11060 of 1988, dated

23.10.1992. A settlement was arrived at between the Union of the Paid Secretaries and the Commissioner of Cooperation and Registrar of Cooperative Societies on 9.61983 with regard to promotional avenues to the Paid Secretaries in the State wherein it was specifically agreed to provide 9:1 ratio as a basis for giving promotions to Category V posts. The said settlement is statutory in nature and all the District Cooperative Central Banks are liable to implement the same. It is stated that the respondents instead of implementing the said G.O., have arbitrarily and illegally promoted the unofficial respondents 4 to 20. Therefore, the Union has taken up the cause in this writ petition.

A detailed counter affidavit has been filed by the 2nd respondent stating that the decision of this Court in making appointments to persons in Category V of 3rd respondent-bank is subject to disposal of S.L.P. (Civil) No. 9045/97, which is pending before the Supreme Court of India. The 3rd respondent bank will take appropriate action in taking the members of the petitioner Union to category V in the ratio of 9:1 subject to their selection after final decision of the Supreme Court of India in the matter.

On behalf of unofficial respondents 4 to 20 also, a detailed common counter has been filed stating that the writ petitioners herein (The society) approached the Supreme Court in S.L.P. (Civil) No.9045/1997 against the order in W.A. No.127/97 and obtained orders of status-quo. Hence, no recruitment could be proceeded with for Category V posts. Therefore, the 3rd respondent bank had no other option except to give in-charge posts to respondents 4 to 20. Further, no statutory rule is violated in giving them in-charge appointment. It is further stated that neither the petitioner-Union nor its members are the employees of the 3rd respondent-bank. They are the paid employees of their respective Primary Agricultural Cooperative Societies. They are governed by Rule 72 of A.P. Cooperative Societies Rules after their decaderisation on 24.4.1985. It is stated that after decaderisation, the recruitment quota fixed in G.O.Ms. No. 1271, dated 8.8.1986 as 9:1 for Paid Secretaries and in-service candidates cannot be considered to be in force and the petitioners have to compete for direct recruitment posts only.

Be that as it may, though, the writ petition is filed in a representative capacity, the persons who were affected by virtue of non-implementation of G.O.Ms. No.1271, dated 8.8.1996, are not before this Court and in their absence their grievances

cannot be adjudicated in this writ petition. As the petitioner is seeking for implementation of the said G.O., it ought not to have made the respondents 4 to 20 as parties and sought for a declaration that their appointments are arbitrary and illegal. The writ petition in so far as seeking declaration of the appointment of respondents 4 to 20 as illegal and arbitrary is mis-conceived and therefore is liable to be dismissed against the respondents 4 to 20.

However, in so far as seeking general direction for implementation of G.O. Ms. No.1271, dated 8.8.1986 is concerned, the 2nd respondent has filed a detailed counter categorically asserting that as soon as the litigation attains finality in the Supreme Court, the same will be implemented.

In view of the assurance given by the official respondents, no direction needs to be issued in this writ petition. The writ petition is accordingly disposed of. No costs.

11th November, 2004

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To

1. The Govt. of Andhra Pradesh, rep.,by its Secretary, Department of Cooperation, Secretariat Buildings, Hyderabad.

2. The Commissioner for Cooperation & Registrar of Cooperative Societies, Andhra Pradesh, Nampally, Hyderabad.

3. The General Manager, District Coop.Central Bank, Anantapur, Anantapur District.

4. Andhra Pradesh Coop. Central Bank Association rep., by its Secretary, C.V.Anjanaiah, Guntakal Branch,Guntakal, District Cooperative Central Bank, Anantapur District.

5. Two CCs to Government Pleader for Cooperation, High Court Buildings, Hyderabad (OUT)

6. Two CD copies.